

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

JOSEPH ESTER, JR.,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-09-551-M
)	
EVERETT VAN HOESEN,)	
)	
Defendant.)	

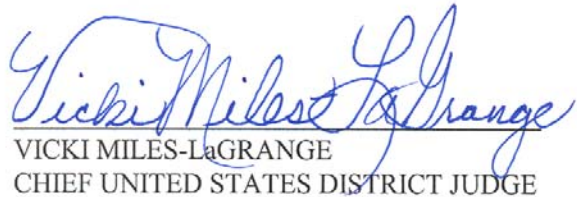
ORDER

On June 14, 2010, United States Magistrate Judge Bana Roberts issued a Report and Recommendation in this action brought pursuant to 42 U.S.C. § 1983, seeking damages for alleged constitutional violations committed by defendant. The Magistrate Judge recommends that summary adjudication of this action be granted because: (1) plaintiff has not established a constitutional violation as to his mental health needs and cost of health care claims; (2) the failure to sufficiently establish that medical staff acted deliberately indifferent to plaintiff's medical needs; (3) the failure to sufficiently establish plaintiff was incarcerated under inhumane conditions; and (4) plaintiff's failure to controvert supported facts regarding his due process claim. The parties were advised of their right to object to the Report and Recommendation by July 5, 2010, and on June 22, 2010, plaintiff filed his objection.

Upon de novo review, the Court:

- (1) OVERRULES plaintiff's objection to the well-reasoned and thorough Report and Recommendation issued by the Magistrate Judge on June 14, 2010;
- (2) ADOPTS the Report and Recommendation issued by the Magistrate Judge on June 14, 2010; and
- (3) GRANTS defendant's motion for summary judgment [docket no. 54].

IT IS SO ORDERED this 24th day of June, 2010.


VICKI MILES-LAGRANGE
CHIEF UNITED STATES DISTRICT JUDGE